

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



July 25, 2011

Andrea M. Chelemengos, City Clerk
City of Monte Sereno
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030-4299

Dear Ms. Chelemengos:

This letter is to acknowledge receipt on July 19, 2011 of the City of Monte Sereno submittal pertaining to Ordinance No. NS-173 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

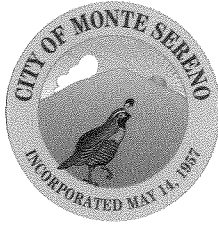
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique M. Rodriguez'.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



Councilmember: Marshall Anstandig
Councilmember: Burton Craig
Councilmember: Susan Garner
Councilmember: Lana Malloy
Councilmember: Curtis Rogers

City of Monte Sereno

City Manager: Brian Loventhal
City Clerk: Andrea Chelemengos
Finance Officer: Sue L'Heureux
Building Official: Howard T. Bell

July 8, 2011

California Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, CA. 95833-2936

Building Standards Commission:

Enclosed please find the City of Monte Sereno's latest Building Standards along with amendments. The amendments have been marked and identified as required. Also included is the Staff Report and a Synopsis of the changes.

If you have any questions or need additional information please contact me at 408-354-7635 or via e-mail at andrea@montesereno.org.

Sincerely,

Andrea M. Chelemengos
City Clerk

enclosure

RECEIVED
2011 JUL 19 A 10:54
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO. NS-173

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
AMENDING TITLE 9 OF THE MONTE SERENO MUNICIPAL CODE ADOPTING THE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, 2010 EDITION, SUBJECT TO
SPECIFIED DELETIONS, AMENDMENTS, EXCEPTIONS, AND THE
ADMINISTRATIVE CODE**

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

A. The City of Monte Sereno has determined and finds that amendments to the California Building Code are reasonably necessary because of local climactic, geological, and topographical conditions.

B. The entire Silicon Valley is located in seismic zone D. Gypsum wallboard and exterior portland cement plaster have performed poorly during the recent California seismic events. The shear values of gypsum wallboard and portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic load testing is performed and evaluated.

C. The City of Monte Sereno is located in seismic zone D. The increased possibility of earthquake activity in the area can effect the availability of emergency services due to damage to the water systems, damage to roadways, debris on roadways and the low priority of single-family homes in emergency conditions. Historically, fire has been a real danger in the aftermath of earthquake damage.

D. Monte Sereno is located in a hilly area with many canyons and areas of dense wildland vegetation. The area is subject to periods of low rainfall, frequent periods of low humidity and high temperatures, and is subject to gusty winds up to 30 mph. These conditions present an increased fire danger and increase the possibility of fire spreading to other properties that are not easily or directly accessible from the point of origin.

E. The streets within the City are a combination of public and private roadways, which due to the many hills and canyons are narrow and often dead end creating additional problems for vehicles and personnel to respond in emergency situations such as a fire.

F. The 1997 Uniform Code for Abatement of Dangerous Buildings is determined to be equivalent to the procedures in Title 25 of the California Code of Regulations, and therefore, shall apply to all buildings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO AS FOLLOWS:

SECTION 1. Chapter 9.01 of Title 9 of the Monte Sereno Municipal Code is hereby amended to read as follows:

"Chapter 9.01

California Building Standards Code

Sections:

- 9.01.010 Adoption of Codes and Regulations by Reference
- 9.01.020 Amendments to the 2010 California Code of Regulations Title 24, Part 2, Known as the California Building Code
 - 9.01.020.1 Exterior Wildfire Exposure (Section 707A.8(9))
 - 9.01.020.2 Wildfire Exposure Accessory Structures (Section 710A.)
 - 9.01.020.3 Roof Fire Classification (Section 1505)
 - 9.01.020.4 Modification to ASCE 7 (Section 12.8.1.1)
 - 9.01.020.5 Concrete Construction (Section 1704.4)
 - 9.01.020.6 Modification to ACI 318, Section 22.10 (Section 1908.1.8)
 - 9.01.020.7 Shear Walls Sheathed with Other Materials (Section 2306.7) Deleted
 - 9.01.020.8 Conventional Light Frame Construction Provisions – Bracing (Section 2308.9.3)
 - 9.01.020.9 Gypsum Board and Plaster (Section 2505.1) Deleted
- 9.01.030 Amendments to the 2010 California Code of Regulations Title 24, Part 2.5, Known as the California Residential Code
 - 9.01.030.1 Automatic Fire Sprinkler Systems (Section R313)
 - 9.01.030.2 Exterior Wildfire Exposure (Section R327.7.9)
 - 9.01.030.3 Wildfire Exposure Accessory Structures (Section R327.10)
 - 9.01.030.4 Seismic Reinforcing (Section R403.1.3 Exception)
 - 9.01.030.5 Gypsum Board and Plaster as Wall Bracing Materials (Section R602.10)
 - 9.01.030.6 Gypsum Board and Plaster as Wall Bracing Materials (Table R602.10.1.2(2))
 - 9.01.030.7 Roof Fire Classification (Section 902)

9.01.010 Adoption of Codes and Regulations

For the purpose of prescribing regulations governing conditions hazardous to life and property, the City Council of the City of Monte Sereno hereby adopts that certain code known as the California Building Standards Code, 2010 Edition, the whole thereof, subject to the deletions, amendments, exceptions, and additions which are specified herein, and California Code of Regulations, Title 25, Division 1, Chapter 1, Sub-chapter 1, State Housing Law Regulations, of which one copy has been filed for use and examination by the public in the office of the City Building Official and the same adopted and incorporated as fully as if set out at length herein, and from the date on which the Ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Monte

Sereno.

9.01.020 Amendments to the 2010 California Code of Regulations Title 24, Part 2, Known as the California Building Code

Based upon the foregoing findings, the California Building Standards Code, 2010 Edition, is hereby amended in the following manner:

The following provisions of the California Building Code, 2010 Edition, as published by the International Code Council are hereby adopted:

A. Appendices; F – Rodent-proofing; G - Flood-Resistant construction.

9.01.020.1 2010 California Building Code Section 707A Exterior Wildfire Exposure

Section 707A.8(9) Underside of appendages. The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:

9.01.020.2 2010 California Building Code Section 710A Wildfire Exposure Accessory Structures

Section 710A.3.2 Where Required. Section Deleted.

Section 710A.4 Requirements. Accessory structures shall be constructed of noncombustible or ignition-resistant materials.

9.01.020.3 2010 California Building Code Section 1505 Roof Fire Classification

Section 1505.1.3 Roof Coverings Within All Other Areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

Section 1501.4.1 Roof Coverings Within the Wildland-Urban Interface Fire Area. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

9.01.020.4 2010 California Building Code Section Modification to ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:

$$C_s = 0.044 S_{DS} \geq 0.01 \quad (\text{Eq. 12.8-5})$$

Modification to ASCE 7, Section 12.8.7. Modify ASCE 7 Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\theta = \frac{P_x \Delta I}{V_x h_{sx} C_d} \quad (\text{Eq. 12.8-16})$$

9.01.020.5 2010 California Building Code Section 1704.4 Concrete construction.

1704.4 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

Exceptions: Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).

2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:

- 2.1. The footings support walls of light-frame construction;
- 2.2. The footings are designed in accordance with Table 1809.7; or
- 2.3. The structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.

3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).

4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.

5. Concrete patios, driveways and sidewalks, on grade.

9.01.020.6 2010 California Building Code Section 1908.1.8 Modification to ACI 318, Section 22.10.1.

1908.1.8 ACI 318, Section 22.10 delete ACI 318, Section 22.10, and replace with the following:

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross –sectional area of the footing.

9.01.020.7 2010 California Building Code Section 2306.7 Shear Walls Sheathed with Other Materials.

California Building Code Section 2306.7 is hereby deleted.

9.01.020.8 2010 California Building Code Section 2308.9.3 Conventional Light Frame Construction Provisions—Bracing.

2308.9.3 Bracing. A. Braced wall lines shall consist of braced wall panels which meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1219 mm). Braced wall panels shall start not more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Wood boards of 5/8-inch (16 mm) net minimum thickness applied diagonally on studs spaced not over 24 inches (610 mm) on center.

2. Wood structural panel sheathing with a thickness not less than 3/8-inch (9.5 mm) for 16-inch (406 mm) stud spacing and not less than 3/8-inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).

3. Fiberboard sheathing panels not less than 1/2-inch (12.7 mm) thick applied vertically or horizontally on studs spaced not over 16-inches (406 mm) on center when installed in accordance with Section 2306.6 and Table 2306.6.

4. Particleboard wall sheathing panels where installed in accordance with Table

2308.9.3(4).

5. Hardboard panel siding when installed in accordance with Section 2303.1.6 and Table 2309.9.3(5).

For cripple wall bracing see Section 2308.9.4.1.

For methods, 1, 2, 3, 4, and 5 each braced wall panel must be at least 48-inches (1219 mm) in length, covering three stud spaces where studs are 16-inches (406 mm) apart and covering two stud spaces where studs are spaced 24-inches (610 mm) apart.

B. All vertical joints of panel sheathing shall occur over studs. Horizontal joints shall occur over blocking equal in size to the studding except where waived by the installation requirements for the specific sheathing materials.

C. Braced wall panel sole plates shall be nailed to the floor framing and top plates shall be connected to the framing above in accordance with Section 2308.3.2. Sills shall be bolted to the foundation or slab in accordance with Section 2308.6. Where joists are perpendicular to braced wall lines above, blocking shall be provided under and in line with the braced wall panels.

9.01.020.9 2010 California Building Code Section 2505.1 Gypsum Board and Plaster.

California Building Code Section 2505.1 is hereby deleted.

9.01.030 Amendments to the 2010 California Code of Regulation Title 24, Part 2.5, Known as the California Residential Code

9.01.030.1 2010 California Residential Code Section R313 Fire sprinklers

Section R313.1 Townhouse Automatic Fire Sprinkler Systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

Section R313.2 One- and Two-Family Dwellings Automatic Fire Sprinkler Systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows:

a. In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

b. In all new basements and in existing basements that are expanded.

Exception: Existing basements that are expanded by not more than 50 percent.

9.01.030.2 2010 California Residential Code Section R327.7.9 Exterior Wildfire Exposure

R327.7.9 Underside of Appendages. The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:

9.01.030.3 2010 California Residential Code Section R327.10 Wildfire Exposure Accessory Structures

Section R327.10.3.2 Where Required. Deleted

R327.10.4 Requirements. Accessory structures shall be constructed of noncombustible or ignition-resistant materials.

9.01.030.4 2010 California Residential Code Section R403.1.3 Seismic Reinforcing Exception

R403.1.3 Seismic Reinforcing. In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

9.01.030.5 2010 California Residential Code Section R602.10 Gypsum Board and Plaster as Wall Bracing Materials.

R602.10.2.1.1 is added to Chapter 6 of the 2010 California Residential Code to read as follows:

R602.10.2.1.1 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Methods GB and PCP are not permitted for use as intermittent braced wall panels.

9.01.030.6 2010 California Residential Code Table R602.10.1.2(2)^{abc} Gypsum Board and Plaster as Wall Bracing Materials.

Table R602.10.1.2(2)^{abc}
BRACING REQUIREMENTS BASED ON SEISMIC CATEGORY

(AS A FUNCTION OF BRACED WALL LINE LENGTH)

TABLE R602.10.1.2(2)^{a,b,c,d}
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY
(AS A FUNCTION OF BRACED WALL LINE LENGTH)

Table R602.10.1.2(2) footnote "d" is added to the end of the table to read as follows:
d. In Seismic Design Categories D0, D1, and D2, Methods GB and PCP are not permitted.

9.01.030.7 2010 California Residential Code Section R902 Roof Fire Classification

Section R902.1.3 Roof Covering in All other Areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant covering that is at least Class B.

Section R902.1.4.1 Roofing Covering within the Wildland-Urban Interface Fire Area. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A."

SECTION 2. Chapter 9.02 of Title 9 of the Monte Sereno Municipal Code is hereby amended to read as follows:

"Chapter 9.02

Uniform Housing Code, Code for Abatement of Dangerous Buildings and Code
for Building Conservation

Sections:

- 9.02.010 Amendments to Uniform Housing Code
- 9.02.020 Amendments to Uniform Code for the Abatement of Dangerous Buildings
- 9.02.030 Amendments to Uniform Code for Building Conservation

9.02.010 Amendments to Uniform Housing Code

The following provisions of the 1997 Uniform Housing Code are amended in the following manner:

Section 301 "General" is amended to read: ... delete Section 106 and add **9.05.08**

Permits of the City of Monte Sereno Administrative Code.

Section 302 "Fees" is amended to read: ... delete Section 107 and add **9.05.10 Fees of the City of Monte Sereno Administrative Code.**

Section 303 "Inspections" is amended to read: ... delete Section 108 and add **9.05.011 Inspections**; delete Section 1701 and add **9.05.011.2.9 Special Inspections of the City of Monte Sereno Administrative Code.**

Section 401 "Definitions

a. **"Building Code"** is amended to read: ... delete Uniform Building Code and add **California Building Code and California Residential Code.**

Section 701.1 "Heating and Ventilation" is amended to read: ...delete Section 3102 and add **1203 and 1204 of the California Building Code and R303 of the California Residential Code.**

Section 1001.1 "General" is amended to read: ... delete Section 102 and add **9.05.015 Unsafe Structures and Equipment of the City of Monte Sereno Administrative Code.**

9.02.020 Amendments to Uniform Code for the Abatement of Dangerous Buildings

The following provisions of the 1997 Uniform Code for Abatement of Dangerous Buildings are amended in the following manner:

Section 301 "General" is amended to read: ... delete Uniform Building Code and add **California Building Code and California Residential Code.**

9.02.030 Amendments to Uniform Code for Building Conservation

The following provisions of the 1997 Uniform Code for Building Conservation are amended in the following manner:

Section 301 "Definitions" is amended to read: ... delete Uniform Building Code and add **California Building Code and California Residential Code."**

SECTION 3. Chapter 9.03 of Title 9 of the Monte Sereno Municipal Code is hereby amended to read as follows:

"Chapter 9.03

California Fire Code

Sections:

- 9.03.010 Amendments to the 2010 California Code of Regulations Title 24, Part 9, Known as the California Fire Code
- 9.03.020 Establishment of Limits of Districts in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids are to be Prohibited
- 9.03.030 Establishment of Limits of Districts in which Storage of Class I and II Liquids in Outside Aboveground Tanks is Prohibited
- 9.03.040 Establishment of Limits of Districts in which Storage of Class I and II Liquids in Aboveground Tanks is Prohibited
- 9.03.050 Establishment of Limits in which Storage of Liquefied Petroleum Gases is Prohibited
- 9.03.060 Amendments to the California Fire Code and the International Fire Code
- 9.03.010 Amendments to the 2010 California Code or Regulations Title 24, Part 9, Known as the California Fire Code.**

There is hereby adopted by the City of Monte Sereno for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2010 California Fire Code and also the 2009 International Fire Code, including Appendix Chapters B and C and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this section, of which one copy has been filed for use and examination by the public in the Office of the City Building Official and the City Fire Chief and the same adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this section shall take effect, the provision thereof shall be controlling within the limits of the City of Monte Sereno.

9.03.020 Establishment of Limits of Districts in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids are to be Prohibited.

The limits referred to in Section 3506.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as all locations of the City of Monte Sereno.

9.03.030 Establishment of Limits of Districts in which Storage of Class I and II Liquids in Outside Aboveground Tanks is Prohibited.

The limits referred to in Section 3404.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited are hereby established as all locations of the City of Monte Sereno.

9.03.040 Establishment of Limits of Districts in which Storage of Class I and Class II Liquids in Aboveground Tanks is Prohibited.

The limits referred to in Section 3406.2.4.4 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited are hereby established as all locations of the City of Monte Sereno.

9.03.050 Establishment of Limits in which Storage of Liquefied Petroleum Gases is Prohibited.

The limits referred to in Section 3804.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:
Liquefied Petroleum Gas (LPG) shall not be permitted within the City limits where natural gas mains exist.

Exceptions:

1. Where LPG is used as an existing fuel source to single-family dwellings at the time of adoption of this Code.
2. LPG may be permitted within the City limits if used for temporary construction operations.
3. LPG may be used to carry on activities where natural gas would not provide a viable substitute for LPG as approved by the Fire Code Official.
4. Portable LPG containers that are used for recreational vehicles and barbecues when stored and handled in accordance with this Code.

9.03.060 Amendments to the California Fire Code and the International Fire Code.

The following amendments are hereby made to the California Fire Code and the International Fire Code:

Amendments to Chapter 1, Division II of the Fire Code; Administration.

Section 105.1.4 is added to read as follows:

105.1.4 Construction Permit Fees. Construction permit fees and plan review fees for fire hydrant systems, fire extinguishing systems and fire alarm systems shall be paid to the Santa Clara County Fire Department in accordance with the following table based on valuation. The valuation shall be limited to the value of the system for which the permit is being issued. Plan review fees are 65% of the Permit Fee amount. For the purposes of determining the total fee amount for each permit, the plan review fee shall be added to the Permit Fee.

TOTAL VALUATIONS	PERMIT FEE
\$1.00 TO \$500.00	\$23.50
\$501.00 TO \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00

\$2001.00 TO \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Additional re-inspections, in connection with the permits above, are to be paid at \$30.00 for each occurrence at the discretion of the fire code official.	

Section 105.1.5 is added to read as follows:

105.1.5 Operational Permit Fees. Operational permit fees shall be paid to the Santa Clara County Fire Department as follows:

FACILITY TYPE	PERMIT FEE
1. Institutional	
A. Over 50 persons	\$100.00 - Annually
B. More than 6 persons	\$ 75.00 - Annually
2. Day Care Facilities	
More than 6 clients	\$35.00 - Annually
3. Places of Assembly	
A. 50-300 persons	\$50.00 - Annually
B. Over 300 persons	\$85.00 - Annually
4. Temporary Membrane Structures, Tents and Canopies (Only those requiring permits in accordance with Section 105.6.43).	\$85.00 – Each occurrence

Section 105.6.48 is added to read as follows:

105.6.48 Day Care Facility. An operational permit is required to operate a business as

a day care facility for more than 6 people.

Section 105.6.49 is added to read as follows:

105.6.49: Institutional. A permit is required to operate, maintain, or use any institutional type occupancy. For the purpose of this Section, an institution shall be, but is not limited to: hospitals, children's home, home or institution for insane or mentally retarded persons, home or institution for the care of aged or senile persons, sanitarium, nursing or convalescent home, certified family care homes, residential care homes for the elderly, out of home placement facilities, halfway house, and day care nurseries or similar facility of any capacity.

Section 106.5 is added to read as follows:

106.5 Final Inspection. No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Department issues notice of final clearance of such fire protection facilities and access ways to the Building Department.

Section 109.3 is amended to read as follows:

109.3 Violation Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be subject to code enforcement action by the City in accordance with Title 5 of the Monte Sereno Municipal Code.

Section 109.4 is added to read as follows:

109.4 Abatement of Hazard. If any person fails to comply with the order of the Fire Department, or in the event the Fire Department is unable to locate the responsible person within a reasonable time, the Fire Department may take such steps to abate a fire hazard or health hazard as are necessary for the protection of the public health and safety. In no event is notice necessary before abatement when the fire hazard constitutes a clear and present danger to the public welfare. The cost of any such abatement is a debt to the City, of the owner of the premises or who, by his act or inaction, caused the fire hazard. The cost of the abatement shall become a lien on the premises when the need for the abatement and the amount of the cost have been established. It is the intent of this Section to provide a method of hazard abatement on private property where no owner or responsible person can be found and the hazard is of a nature requiring immediate action in order to protect the public.

GENERAL PRECAUTIONS AGAINST FIRE

b) SECTION 311 VACANT PREMISES

The following sections are deleted:

- c) Delete Section: 311.5 Placards.**
 - Delete Section: **311.5.1 Placard Location.**
 - Delete Section: **311.5.2 Placard Size And Color.**
 - Delete Section: **311.5.3 Placard Date.**
 - Delete Section: **311.5.4 Placard Symbols**
 - Delete Section: **311.5.5 informational Use**

FIRE SERVICE FEATURES

d) SECTION 503 FIRE APPARATUS ACCESS ROADS

Amend Section 503.1. as follows:

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.2 and as per Fire Department access road Standards.

Amend Section 503.1.1 as follows:

503.1.1 Building and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720 mm) of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. When the building is equipped throughout with an approved automatic sprinkler installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the dimension may be increased to 300 feet.

2. When fire apparatus roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection shall be provided.

Amend Section 503.2.1 as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

Exception: When there are not more than two Group R, Division 3, or Group U

occupancies, the access road width may be modified by the fire code official.

Add Section 503.7 as follows:

503.7 Traffic Calming Devices. Traffic Calming Devices such as speed humps, traffic circles or other physical measures intended to control vehicle speed on fire apparatus access roads are prohibited unless approved by the fire code official.

Chapter 9 FIRE PROTECTION SYSTEMS

e) SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

Amend Section 903.2 to read:

903.2 Where Required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive.

For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be provided throughout all new buildings and structures.

Exceptions:

1. Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.

2. Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.

2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.

3. An automatic sprinkler system shall be provided throughout existing buildings and structures, when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

4. An automatic sprinkler system shall be provided throughout all new basements

regardless of size and throughout existing basements that are expanded by more than 50%.

Amend Section 903.1.1 to read:

903.3.1.1 NFPA 13 Sprinkler Systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and local standards.

1. For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2.

Amend Section 903.3.1.2 to read:

903.3.1.2 NFPA 13R Sprinkler Systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R and local standards.

Amend Section 903.3.1.3 to read:

903.3.1.3 NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D and local standards.

Amend Section 912.2 to read:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. The location of fire department connections shall be approved by the fire code official.

Chapter 33 EXPLOSIVES AND FIREWORKS

Amend Section 3301.1 to read:

3301.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10 and section 3301.2 of this chapter. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6 and section 3301.3 of this chapter. For small arms ammunition, see Section 3301.5 of this chapter.

Exceptions:

1. The armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The use of explosive materials by federal, state and local regulatory, law

enforcement and fire agencies acting in their official capacities.

4. Items preempted by federal regulations.

Add Section 3301.2 is to read:

3301.2 Explosives. The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.

Add Section 3301.3 is to read:

3301.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exceptions:

a. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions and when in accordance with Title 19 of the California Code of Regulations.

b. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions when in accordance with Title 19 of the California Code of Regulations and when in buildings equipped throughout with an approved fire sprinkler system.

Add Section 3301.4 is to read:

3301.4 Rocketry. The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire Code Official.

3301.5.2 Storage in Group R Occupancies. The storage of small arms ammunition in Group R occupancies shall comply with Sections 3301.5.2.1 through 3301.5.2.3.

3301.5.2.1 Smokeless Propellants. Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

3301.5.2.2 Black Powder. Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1

inch (25 mm) nominal thickness

3301.5.2.3 Small Arms Primers. No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.

CHAPTER 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Amend Section 4902 as follows:

SECTION 4902 DEFINITIONS

Amend definition of Wildland-Urban Interface Fire Area as follows:

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced sections of the Government Code and the Public Resources Code. The Wildland-Urban Interface Fire Area shall be defined as all areas within the City of Monte Sereno as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the City Clerk.

Amend Section 4906.2 to read:

SECTION 4906 HAZARDOUS VEGETATION AND FUEL MANAGEMENT

4906.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:

- 1.1. Moderate Fire Hazard Severity Zones
- 1.2. High Fire Hazard Severity Zones
- 1.3. Very-High Fire Hazard Severity Zones

2. Land designated as a Very-High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the City of Monte Sereno.

Amend Section 4907.1 to read:

SECTION 4907 DEFENSIBLE SPACE

4907.1 General. Defensible space will be maintained around all buildings and structures in Sate Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the authority having jurisdiction.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.

4. Maintain trees adjacent to or overhanging a building free of deadwood; and

5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

Add Section 4907.2 to read:

4907.2 Corrective Actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by

Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

Add Section 4908 to read:

4908.1 General. When required by the code official, a fire protection plan shall be prepared.

4908.2 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4908.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4908.4 Plan Retention. The fire protection plan shall be retained by the fire code official.

Add Section 4909 to read:

SECTION 4909 ACCESS

4909.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire apparatus access in accordance with Chapter 5 and Section 4909.2.

4909.2 Driveways. Driveways in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds. Driveways in excess of 200 feet (60 960 mm) in length and less than 20 feet (6096 mm) in width shall be provided with turnouts in addition to turnarounds. An all-weather surface shall be any surface material acceptable to the code official.

A driveway shall not serve in excess of two dwelling units.

Exception: When such driveways meet the requirements for an access road in accordance with this chapter.

Driveway turnarounds shall be in accordance with Fire Department Standards. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Driveway turnouts shall be an all-weather road surface at least 10 feet (3048 mm) wide and 30 feet (9144 mm) long. Driveway turnouts shall be located as required by the code official.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

Add Section 4910 to read:

SECTION 4910 WATER SUPPLY

4910.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Sections 4910.2 through 4910.8.

Exception: Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m²).

4910.2 Water Sources. The point at which a water source is available for use shall be located not more than 600 feet from all portions of the exterior walls of the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel.

Water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 4910.4. This water source shall be equipped with an approved hydrant. The water source shall be provided and maintained by a recognized water purveyor, mutual water company or water pumped from a well. The design, construction, location, water level maintenance, access, and access maintenance of man-made water sources shall be approved by the code official.

4910.3 Hydrants. All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the code official.

4910.4 Adequate Water Supply. Adequate fire protection water supplies shall be as follows:

1. One- And Two-Family Dwellings. The required fire protection water supply for one- and two- family dwellings shall be in accordance with Appendix B.

The water supply duration need not exceed 30 minutes.

2. Buildings Other Than One- And Two-Family Dwellings. The water supply required for buildings other than one-and two-family dwellings shall be in accordance with Appendix B.

Exception: The water supply duration need not exceed 2 hours.

4910.5 Obstructions. Access to all water sources required by this code shall be unobstructed at all times. The code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

4910.6 Identification. Water sources, hydrants and fire protection equipment shall be clearly identified in a manner approved by the code official to identify location and to prevent obstruction by parking and other obstructions.

4910.7 Clearance of Fuel. Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 4907.

4910.8 Standby Power. Stationary water supply facilities within the wildland-urban interface area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

Add Section 4911 to read:

**SECTION 4911
GENERAL REQUIREMENTS FOR SUPPRESSION AND CONTROL**

4911.1 Scope. The provisions of this chapter establish general requirements applicable to new and existing properties located within the Wildland-Urban Interface Fire Area.

4911.2 Clearance of Brush or Vegetative Growth from Roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

4911.3 Access Restrictions

4911.3.1 Restricted Entry to Public Lands. The code official is authorized to

determine and publicly announce when the Wildland-Urban Interface Fire Area shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of the Wildland-Urban Interface Fire Area, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within the Wildland-Urban Interface Fire Area and their invitees and guests going to or being on their lands.

2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

4911.3.2 Use of Fire Roads and Defensible Space. Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception: Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

4911.3.3 Use of Motorcycles, Motor Scooters, Ultra light Aircraft and Motor Vehicles. Motorcycles, motor scooters, ultra light aircraft and motor vehicles shall not be operated within the Wildland-Urban Interface Fire Area, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

4911.3.4 Tampering with Locks, Barricades, Signs and Address Markers. Locks, barricades, seals, cables, signs and address markers installed within the Wildland-Urban Interface Fire Area, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

Add Section 4912 to read:

**SECTION 4912
IGNITION SOURCE CONTROL**

4912.1 General. Ignition sources shall be in accordance with Section 4912.

4912.2 Clearance from Ignition Sources. Clearance between ignition sources and

grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

4912.3 Smoking. When required by the code official, signs shall be posted stating NO SMOKING. No person shall smoke within 15 feet (4572 mm) of combustible materials or non-fire-resistive vegetation.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

4912.4 Equipment and Devices Generating Heat, Sparks or Open Flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in the Wildland-Urban Interface Fire Area without a permit from the code official.

Exception: Use of approved equipment in inhabited premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

4912.5 Fireworks. Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

Add Section 4913 to read:

SECTION 4913 OUTDOOR FIRES

4913.1 General. No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any Wildland-Urban Interface Fire Area, except by the authority of a written permit from the code official.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace or grill and are a minimum of 30 feet (9144 mm) from any combustible material or non-fire-resistive vegetation.

4913.2 Permits. Permits outdoor fires shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in Wildland Urban Interface Fire Areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

4913.3 Restrictions. No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

4913.4 Outdoor Fireplaces, Permanent Barbecues and Grills. Outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in the Wildland-Urban Interface Fire Area without approval of the Building or Fire Code Official.

Outdoor fireplaces, permanent barbecues and grills shall be located a minimum of 30 feet (9144 mm) from any combustible material or non-fire-resistive vegetation and shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

Exception: When approved by the Building or Fire Code Official, unprotected openings in barbecues and grills necessary for proper functioning.

Add Section 4914 to read:

SECTION 4914 LIQUIFIED PETROLEUM GAS INSTALLATIONS

4914.1 Vegetation Clearance around Tanks/Containers. Flammable vegetation shall be cleared a minimum of 30 feet around liquefied petroleum gas tanks/containers.

Add Section 4915 to read:

SECTION 4915 STORAGE OF FIREWOOD AND COMBUSTIBLE MATERIALS

4915.1 General. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

4915.2 Storage for Off-Site Use. Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.

Add Section 4916 to read:

SECTION 4916 DUMPING

4916.1 Waste Material. Waste material shall not be placed, deposited or dumped in the Wildland-Urban Interface Fire Area, or in, on or along trails, roadways or highways or against structures in the Wildland-Urban Interface Fire Area.

Exception: Approved public and approved private dumping areas.

4916.2 Ashes and Coals. Ashes and coals shall not be placed, deposited or dumped in or on the Wildland-Urban Interface Fire Area.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from non-fire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from non-fire-resistive vegetation or structures.

Add Section 4917 to read:

**SECTION 4917
PROTECTION OF PUMPS AND WATER STORAGE FACILITIES**

4917.1 Clearance of Flammable Vegetation. Flammable vegetation shall be cleared a minimum of 30 feet from water storage equipment and pumping facilities."

Section 4. Chapter 9.05 of Title 9 of the Monte Sereno Municipal Code is hereby amended to read as follows:

"Chapter 9.05

City of Monte Sereno Administrative Code for the Administration of Building and
Related Codes

Sections:

9.05.010	Title
9.05.020	Scope
9.05.030	Scope of the California Green Building Standards
9.05.040	Purpose
9.05.050	Purpose of the California Green Building Standards
9.05.060	Referenced Code
9.05.070	Gas
9.05.080	Mechanical
9.05.090	Plumbing
9.05.100	Property Maintenance
9.05.110	Energy
9.05.120	Applicability
9.05.130	Application of References
9.05.140	Referenced Codes and Standards
9.05.150	Appendices

- 9.05.160 Partial Invalidity
- 9.05.170 Existing Structures
- 9.05.180 Additions, Alterations or Repairs
- 9.05.190 Creation of Enforcement Agency
- 9.05.190.1 Appointment
- 9.05.190.2 Duties
- 9.05.190.3 Duties and Powers of the Building Official
- 9.05.190.4 Applications and Permits
- 9.05.190.5 Notices and Orders
- 9.05.190.6 Inspections
- 9.05.190.7 Identification
- 9.05.190.8 Right of Entry
- 9.05.190.9 Department Records
- 9.05.190.10 Liability
- 9.05.190.11 Approved Materials and Equipment
- 9.05.190.12 Used Materials and Equipment
- 9.05.190.13 Modifications
- 9.05.190.10 Areas Prone to Flooding
- 9.05.190.15 Alternative Materials, Design and Methods of Construction and Equipment
- 9.05.190.16 Tests
- 9.05.200 Permits
- 9.05.210 Work Exempt from Permit
- 9.05.220 Emergency Repairs
- 9.05.230 Repairs
- 9.05.240 Public Service Agencies
- 9.05.250 Application for a Permit
- 9.05.260 Action on Application
- 9.05.270 Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas
- 9.05.280 Time Limitation of Application
- 9.05.290 Validity of Permit
- 9.05.300 Expiration
- 9.05.310 Permit Reactivation
- 9.05.320 Suspension or Revocation
- 9.05.330 Responsibility
- 9.05.340 Preliminary Inspection
- 9.05.350 Construction Documents
- 9.05.360 Information on Construction Documents
- 9.05.370 Manufacturer's Installation Instructions
- 9.05.380 Information for Construction in Flood Hazard Areas
- 9.05.390 Means of Egress
- 9.05.400 Exterior Wall Envelope
- 9.05.410 Site Plan
- 9.05.420 Examination of Documents
- 9.05.430 Approval of Construction Documents
- 9.05.440 Previous Approvals
- 9.05.450 Phased Approval

- 9.05.460 Design Professional in Responsible Charge
- 9.05.470 Deferred Submittals
- 9.05.480 Amended Construction Documents
- 9.05.490 Retention of Construction Documents
- 9.05.500 Fees
- 9.05.510 Schedule of Permit Fees
- 9.05.520 Building Permit Valuations
- 9.05.530 Related Fees
- 9.05.540 Refunds
- 9.05.550 Work Commencing Before Permit Issuance
- 9.05.560 Inspections
- 9.05.570 Types of Inspections
- 9.05.580 Foundation Inspection
- 9.05.590 Concrete Slab and Under-Floor Inspections
- 9.05.600 Plumbing, Mechanical, Gas and Electrical System Inspections
- 9.05.610 Floodplain Inspections
- 9.05.620 Frame and Masonry Inspection
- 9.05.630 Lath, Gypsum, Fiber-Cement, Fiber-Mat Reinforced Concrete, Glass Mat Gypsum or Fiber-Reinforced Gypsum Board Inspection
- 9.05.640 Fire-Resistance-Rated Construction Inspection
- 9.05.650 Fire- and Smoke-Resistant Penetrations
- 9.05.660 Other Inspections
- 9.05.670 Special Inspections
- 9.05.680 Final Inspection
- 9.05.690 Inspection Agencies
- 9.05.700 Inspection Requests
- 9.05.710 Approval Required
- 9.05.720 Reinspections
- 9.05.730 Connection of Service Utilities
- 9.05.740 Authority to Disconnect Service Utilities
- 9.05.750 Violations
- 9.05.760 Notice of Violation
- 9.05.770 Prosecution of Violation
- 9.05.780 Violation Penalties
- 9.05.790 Stop Work Order
- 9.05.800 Issuance of Stop Work Order
- 9.05.810 Unlawful Continuance
- 9.05.820 Unsafe Structures and Equipment
- 9.05.830 Record of Unsafe Structures and Equipment
- 9.05.840 Notice of Unsafe Structures and Equipment
- 9.05.850 Method of Service for Notice of Unsafe Structures and Equipment
- 9.05.860 Restoration of Unsafe Structures and Equipment
- 9.05.010 Title.**

These provisions shall be known as the Administrative Code for the City of Monte Sereno in regards to administrating the Building Codes encompassing the California

Residential Code, California Building Code, California Green Building Standards Code (CalGreen), California Energy Code, California Plumbing Code, California Mechanical Code, California Electrical Code, Uniform Housing Code and other applicable City codes and will be known herein as "the code." The Administrative Code for the City of Monte Sereno shall be in addition to those sections of the administrative code adopted by the State of California as proscribed by law.

9.05.020 Scope.

The provisions of the California Residential Code, California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, Uniform Housing Code and other applicable City codes shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building, structure or any appurtenances connected to or attached to such buildings or structures within the city limits of the City of Monte Sereno.

9.05.030 Scope of the California Green Building Standards.

The provisions of the California Green Building Standards Code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code, thought the State of California.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any green building program.

9.05.040 Purpose.

The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

9.05.050 Purpose of the California Green Building Standards.

The purpose of the California Green Building Standards Code is to improve public safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

1. Planning and design
2. Energy efficiency
3. Water efficiency and conservation
4. Material conservation and resource efficiency
5. Environmental quality

9.05.060 Referenced Code.

The other codes listed in Sections 9.05.070 through 9.05.110 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

9.05.070 Gas.

The provisions of the California Plumbing and Mechanical Codes shall apply to the installation of gas piping from the point of delivery, gas appliances and relate accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

9.05.080 Mechanical.

The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

9.05.090 Plumbing.

The provisions of the California Plumbing code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Santa Clara County Health Department shall apply to private sewage disposal system.

9.05.100 Property Maintenance.

The provisions of the Uniform Housing Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

9.05.110 Energy.

The provisions of the California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

9.05.120 Applicability.

Where there is a conflict between a general requirement and a specific requirement, the

specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

9.05.130 Application of References.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

9.05.140 Referenced Codes and Standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

9.05.150 Appendices.

Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

9.05.160 Partial Invalidity.

In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

9.05.170 Existing Structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the California Residential Code, California Building Code, Uniform Housing Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

9.05.180 Additions, Alterations or Repairs.

Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations, or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

9.05.190 Creation of Enforcement Agency.

The department of building safety is hereby created and the official in charge thereof shall be known as the building official.

9.05.190.1 Appointment.

The building official shall be appointed by the chief appointing authority of the jurisdiction.

9.05.190.2 Duties.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the California Building Code.

9.05.190.3 Duties and Powers of the Building Official.

The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving the requirements specifically provided for this code.

9.05.190.4 Applications and Permits.

The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

9.05.190.5 Notices and Orders.

The building official shall issue all necessary notices or orders to ensure compliance with this code.

9.05.190.6 Inspections.

The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

9.05.190.7 Identification.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

9.05.190.8 Right of Entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credential be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provide by law to secure entry.

9.05.190.9 Department Records.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

9.05.190.10 Liability.

The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not be thereby be rendered liable personally and is herby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge or official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

9.05.190.11 Approved Materials and Equipment.

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

9.05.190.12 Used Materials and Equipment.

Used materials, equipment and devices shall not be reused unless approved by the building official.

9.05.190.13 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or structural. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

9.05.190.14 Areas Prone to Flooding.

The building official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.

9.05.190.15 Alternative Materials, Design and Methods of Construction and Equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the California Codes in lieu of specific requirement of this code shall also be permitted as an alternate.

9.05.190.16 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

9.05.200 Permits.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

9.05.210 Work Exempt from Permit.

Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinance of this jurisdiction. Refer to the exemptions adopted by matrix for each specific California Code.

9.05.220 Emergency Repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

9.05.230 Repairs.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage ,drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

9.05.240 Public Service Agencies.

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Exception: Work in the City Right-of-Way requires an encroachment permit as administered by the City Engineer.

9.05.250 Application for a Permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Building Safety for that purpose. Such application

shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required per the code and the building official.
5. State the value of the proposed work, including labor and materials, at the time of application when requested by the building official.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

9.05.260 Action on Application.

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

9.05.270 Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas.

For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2.(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure to meet the requirements of section R322.

9.05.280 Time Limitation of Application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued. The building official is authorized to grant one

extension of time not to exceed 180 days. The extension shall be requested in writing by the property owner to the building official and justifiable cause for the extension demonstrated.

9.05.290 Validity of Permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

9.05.300 Expiration.

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, or if the owner or his/her agent fails to request an inspection within 180 days from the previous inspection or the permit issuance date and fails to demonstrate to the building official significant progress toward completion of the project. The building official is authorized to grant one extension of time not to exceed 180 days. The request shall be made in writing by the property owner to the building official and justifiable cause demonstrated.

9.05.310 Permit Reactivation.

Permits that have expired per Section 9.05.300 may be reactivated, if the permit has been expired for less than one year from the date the permit expired, by payment of one half of the original building, mechanical, plumbing, electrical, grading or CalGreen permit fees as applicable. Permits may be reactivated one time only. Permits that have expired for more than one year from the date the permit expired per Section 9.05.300 require a new permit application, payment of all fees in effect at the time for a new permit, submittal of new plans and compliance with all codes in effect at the time the new permit application is submitted.

Exception: The building official may wave the requirement for new plans in full or in part as applicable.

9.05.320 Suspension or Revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code where the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

9.05.330 Responsibility.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable to comply with this code.

9.05.340 Preliminary Inspection.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and site for which an application has been filed.

9.05.350 Construction Documents.

Submittal documents consisting of construction documents and other data shall be submitted in three or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional when required by the building official. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

9.05.360 Information on Construction Documents.

Construction documents shall be drawn on suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official and all other City departments and special districts and other jurisdictions.

9.05.370 Manufacturer's Installation Instructions.

Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

9.05.380 Information for Construction in Flood Hazard Areas.

For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1) construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation as appropriate;
2. The elevation of the proposed lowest floor, including basement; in area of shall

flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;

3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and

4. If design flood elevations are not included in the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

9.05.390 Means of Egress.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3 and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

9.05.400 Exterior Wall Envelope.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which is tested, where applicable, as well as the test procedure used.

9.05.410 Site Plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas flood ways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

9.05.420 Examination of Documents.

The building official, other applicable city departments, special districts or other applicable jurisdictions shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicate and described is in accordance with the requirements of this code and other pertinent laws or

ordinances.

9.05.430 Approval of Construction Documents.

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, initialed and dated by the building official and other applicable department representatives. One set of construction documents so reviewed shall be retained by the building official, one set shall be returned to the applicant, shall be kept at the site of the work and shall be open to inspection by the building official or a duly authorized representative and one set shall be kept by the Santa Clara County Assessors Office.

9.05.440 Previous Approvals.

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

9.05.450 Phased Approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provide that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

9.05.460 Design Professional in Responsible Charge.

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

9.05.470 Deferred Submittals.

For the purpose of this section, deferred submittals are defined as those portions of the

design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

9.05.480 Amended Construction Documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

9.05.490 Retention of Construction Documents.

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

9.05.500 Fees.

A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

9.05.510 Schedule of Permit Fees.

On buildings, structures, electrical, gas, mechanical, plumbing systems, grading and drainage, additions and alterations requiring a permit a fee for each permit and fees for related permit issuance and plan review shall be paid as required in accordance with the fee schedule as established by the City Council.

9.05.520 Building Permit Valuations.

Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

9.05.530 Related Fees.

Payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

9.05.540 Refunds.

A property owner or permit applicant may request in writing to the building official to cancel a permit. The building official is authorized to request the city finance officer refund 80 percent of the permit fees to the property owner or applicant as applicable. The refund shall only be 80 percent of the permit fees and not any plan check or other associated fees. The City shall not grant any refunds for projects where the building official has conducted any inspections in relation to the permit.

9.05.550 Work Commencing Before Permit Issuance.

Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system, grading or drainage before obtaining the necessary permits shall pay twice the permit fee that would have been paid had the person obtained the permit prior to commencing the work.

9.05.560 Inspections.

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

9.05.570 Types of Inspections.

Upon notification of the permit holder or his or her agent the building official or representative from any other appropriate city department shall perform any required inspections. The owner or his or her agent shall be notified that the work has been approved or has failed to comply with this code. Upon notification by the permit holder or their agent, the requested inspection shall be made within a reasonable time.

9.05.580 Foundation Inspection.

Inspection of the foundation and footings shall be made after poles or piers are set or trenches or basement areas are excavated and any require forms erected and any

required reinforcing steel is in place and supported prior to the placing of concrete. The foundation or footing inspection shall include excavations for thickened slabs intended for support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C94. Under this circumstance concrete is not required to be at the job site.

9.05.590 Concrete Slab and Under-floor Inspections.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel or under-floor framing and mechanical ducting, conduit, piping or other ancillary building trade products are installed, but before any concrete is placed, insulation or floor sheathing is installed.

9.05.600 Plumbing, Mechanical, Gas and Electrical System Inspections.

Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed.

9.05.610 Floodplain Inspections.

For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor including the basement, and prior to further vertical construction, the required elevation certification required by section R322 of the California Residential Code or Section 1612.5 of the California Building Code respectively shall be provided to the building official prepared by and wet stamped and signed by a registered design professional or surveyor.

9.05.620 Frame and Masonry Inspection.

Inspection of framing and masonry construction shall be made after the building is weather tight, roof, masonry, all framing, fire-stopping, draft-stopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, mechanical, heating wires, pipes and ducts are installed.

9.05.630 Lath, Gypsum, Fiber-Cement, Fiber-Mat Reinforced Concrete, Glass Mat Gypsum or Fiber-Reinforced Gypsum Board Inspection.

Inspections shall be made after any of these materials have been installed either on the interior or exterior of the building, but prior to any plaster is applied or any joints and fasteners are taped or finished.

9.05.640 Fire-Resistance-Rated Construction Inspection.

Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction

after all lathing and/or wall board is in place, but before any plaster is applied, or before wall-board joints and fasteners are taped and finished. Protection of joints and penetrations in fire resistance rated assemblies shall not be concealed from view until inspected and approved.

9.05.650 Fire- and Smoke-Resistant Penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and reviewed.

9.05.660 Other Inspections.

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

9.05.670 Special Inspections.

For special inspections, see California Building Code, Chapter 17.

9.05.680 Final Inspection.

Final inspection shall be made after the permitted work is completed and prior to occupancy. A final for the permit(s) shall not be granted until the building official or inspections from other departments or agencies, as applicable, have completed their inspections of the building(s), structure(s), or other required features and find no violations of the provisions of this code or other laws that are enforced by the department of building safety or other departments or agencies, as applicable. The building official shall issue a final for the permit that will constitute a certificate of occupancy.

9.05.690 Inspection Agencies.

The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9.05.700 Inspection Requests.

It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access and means for inspection of such work.

9.05.710 Approval Required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official or other applicable department or

agency. The building official or other department or applicable agency, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or their agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official or other department or agency as applicable.

9.05.720 Reinspections.

A reinspection fee shall be permitted to be assessed for each reinspection when such portion of work for which inspection is called is not completed, when required corrections have not been made, when approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested or for deviating from the approved plans.

To obtain reinspection, the applicant shall pay the reinspection fee in accordance with the fee schedule adopted by the City Council.

In instances where reinspection fees have been assessed, no additional inspection or work will be performed until the required fees have been paid.

This section is not to be interpreted as requiring reinspection fees the first time the job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

9.05.730 Connection of Service Utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

9.05.740 Authority to Disconnect Service Utilities.

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the reinforced codes and standards set forth in Section R102.4 of the International Residential Building Code or Section 101.4 in the International Building Code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section R111.1 or R111.2 of the International Residential Code and Section 112.1 or 112.2 of the International Building Code. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

9.05.750 Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

9.05.760 Notice of Violation.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

9.05.770 Prosecution of Violation.

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

9.05.780 Violation Penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

9.05.790 Stop Work Order.

Whenever the building official finds work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

9.05.800 Issuance of Stop Work Order.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the sited work will be permitted to resume.

9.05.810 Unlawful Continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

9.05.820 Unsafe Structures and Equipment.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

9.05.830 Record of Unsafe Structures and Equipment.

The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

9.05.840 Notice of Unsafe Structures and Equipment.

If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

9.05.850 Method of Service for Notice of Unsafe Structures and Equipment.

Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

9.05.860 Restoration of Unsafe Structures and Equipment.

The Structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, additions or change of occupancy shall comply with the requirements of section 905.08.4 Repairs and Chapter 34."

Section 5. All other Ordinances of the City of Monte Sereno or provisions of the Monte Sereno Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. CEQA Compliance. The City Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA", Cal. Pub. Res. Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

Section 7. Effective Date. Posting. This Ordinance shall be in full force and effect thirty (30) days from and after its passage and shall be posted within the City of Monte Sereno in three (3) public places.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

This Ordinance was introduced at a regular meeting of the City Council held this 16th day of November, 2010, and thereafter, was passed and adopted at a regular meeting of the City Council held this 7th day of December, 2010, by the following roll call vote:

AYES:
NOES:
ABSENT:

By: _____
Don Perry, Mayor

ATTEST:

Andrea Chelemengos, City Clerk

Section 5. All other Ordinances of the City of Monte Sereno or provisions of the Monte Sereno Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

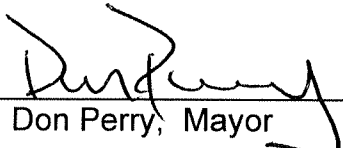
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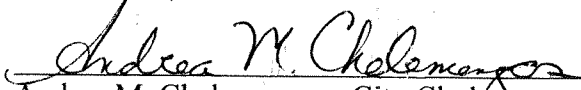
AYES: Council Members Anstandig, Garner, Malloy, Wright, and Mayor Perry
NOES: None
ABSENT: None

By: 
Don Perry, Mayor

ATTEST:


Andrea Chelemengos, City Clerk

A COPY OF THIS ORDINANCE HAS BEEN
POSTED AND/OR PUBLISHED
PURSUANT TO LAW THIS 10th DAY OF
DECEMBER, 2010


Andrea M. Chelemengos, City Clerk

MEETING DATE:
November 16, 2010

REPORT TO MONTE SERENO CITY COUNCIL

Introduction of revised Construction Codes and Fire Code 2010 editions

RECOMMENDATION:

Staff recommends that Council introduce and waive the reading of the attached ordinance and read by title the ordinance and titles of the codes amending the California Building Standards Codes 2010 with amendments, the 1997 Uniform Housing Code with amendments and the City Monte Sereno Administrative Code.

BACKGROUND:

The City of Monte Sereno is currently utilizing the 2007 edition of the California Building Codes and the 2007 edition of the California Fire Code. The codes are modified every three years by the respective code development organization bodies such as the International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO), and the National Fire Protection Association (NFPA). Proposed changes are submitted to the various code groups, reviewed by the Code Development committees and voted on by the general membership at the annual meetings. If a proposed code change is approved it becomes part of the next edition of the code.

In California, the California Building Standards Commission further amends the Codes. Once the Commission adopts the Codes, local agencies have 180 days to adopt the Codes or adopt the Codes with amendments. If the Codes are not adopted within the 180 period, the Codes become law by default and the local agencies are required to enforce the Codes as adopted by the Commission. Local jurisdictions within the State are allowed to amend the codes further based on topographical, climatic or geological conditions as long as the code changes are comparable to or more restrictive than the State codes.

The State of California has adopted the 2009 edition of the International Building Code, the 2009 edition of the Uniform Plumbing and Mechanical Codes, the 2009 International Fire Code, the 2009 International Residential Code without the electrical, mechanical and plumbing provisions, the 2010 California Green Building Standards Code and the 2008 National Electrical Code along with the respective California amendments that will go into effect as of January 1, 2011. This code cycle the State has adopted one new code, the California Green Building Standards Code and has also adopted the building provisions of the International Residential Code with the California amendments.

Most of the administrative sections of the codes were not adopted by the State agencies allowing the local jurisdictions to adopt their own administrative code. In the 2007

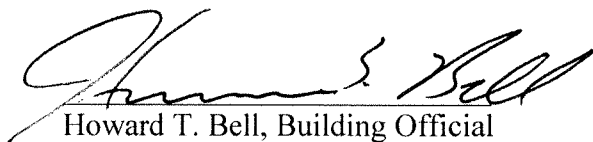
edition of the codes the administrative section was placed in the appendix, in the 2010 edition the administrative section has been moved back into the body of the code. The proposed City administrative code is based on the language in the building codes with amendments that are consistent with amendments made in 2007. The City would utilize the City administrative code to administer the codes in addition to the administrative code sections adopted by the State agencies.


DISCUSSION:

The purpose of the Construction and Fire Codes is to safeguard life, safety, health, property and the public welfare through regulation and control of the use, occupancy, location and maintenance of structures, and the quality of materials used in their construction. To assure compliance with the Codes, City staff reviews plans and conducts inspections of projects. The purpose of the California Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices.

Since 1994 the City has been cooperating with the Tri-chapter Uniform Code Committee (TUCC), formerly the Silicon Valley Uniform Adoption Program, in an effort to reduce the number of local amendments to the Codes. TUCC is a sub-committee of the ICC-Peninsula Chapter, comprised mainly of building officials from numerous jurisdictions in the Bay area, whose goal is to assist the design and construction community by developing consistency among the jurisdictions while maintaining high standards with regard to life and safety issues. The Tri-chapter committee makes recommendations to the Peninsula Chapter with regard to amendments to and interpretations of the various codes. The members of the Peninsula Chapter vote on the proposed amendments for adoption. Similarly the Santa Clara County Fire Marshals Association meets and reviews the codes to determine if local amendments are warranted and to obtain uniformity in requirements in the area. In support of this goal, staff is recommending adoption of the Codes and amendments as agreed upon by the members of TUCC, the ICC-Peninsula Chapter and the Santa Clara County Fire Marshals Association.

The ordinances attached to this report specify the Codes and amendments that staff is recommending be adopted by the City of Monte Sereno. Those sections in italics are the proposed new language in the building codes, those shown in italics and shaded are the proposed new language for the fire codes. Enclosed with this report is the proposed ordinance and a synopsis of the changes in the ordinance.


Howard T. Bell, Building Official

Reviewed by: 

2010 Building Code Adoption Synopsis

2010 Code Adoption

Adopting the 2010 California Title-24 Building (CBC), Residential (CRC), Plumbing, Mechanical, Electrical, Fire, Green Building and Uniform Housing Codes.

Building code with amendments based on the 2009 International Building Code (IBC)

Residential code with amendments based on the 2009 International Residential Code

Plumbing code based on the 2009 Uniform Plumbing Code

Mechanical code based on the 2009 Uniform Mechanical Code

Electrical code based on the 2008 National Electrical Code

Fire code with amendments based on the 2009 International Fire Code

Green building code based on the 2010 California Green Building Code

Uniform Housing Code based on the 1997 Uniform Housing Code

IBC Page 3 adopting the following appendix:

F – Rodent Proofing

G – Flood-Resistant Construction

CBC Section 707A – Exterior Wildfire Exposure **Page 3**

Requires protection of the underside of overhanging appendages per the prescribed construction methods identified in the code.

CBC Section 710A – Wildfire Exposure Accessory Structures **Page 3**

Requires Accessory structures located in the Wildland-Urban Interface Fire Areas to be constructed of noncombustible or ignition-resistant materials.

CBC Section 1505 – Roofing Fire Classification **Page 3**

Fire classification for roofing in the **High Fire Hazard Severity Zones** and **Wildland-Urban Interface Fire Area**. Consistent with the requirements currently have and have had previously except change from 10% of roof area to 50% consistent with new code.

Class A in Wildland-Urban Interface Fire Areas

Class B in all other areas.

ASCE 7 – Page 3

Amends a calculation used in structural design.

CBC Section 1704.4 – Concrete Construction Page 4

Identifies items of concrete construction that are exempt from the requirements to have a special inspector.

CBC Section 1908.1.8 – Modifications to ACI 318 Page 4

Identifies changes to ACI 318 regarding the use of plain concrete.

CBC Section 2306.7 – Shear Walls Sheathed with Other Materials Page 5

Deletes the section allowing the use of Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board to be used as material to resist shear forces.

CBC Section 2308.9.3 – Conventional Light Frame Construction Provisions – Bracing Page 5

Removes Portland cement plaster and gypsum products as allowable bracing.

CBC Section 2505.1 – Resistance to Shear (Wood Framing) Page 6

Deletes the use of wood framed walls sheathed with gypsum board, lath or plaster for resistance to wind and shear forces.

CRC - New Code for California based on IRC but without the electrical, mechanical, plumbing sections.

CRC Section R313 – Sprinklers Page 6

1. Sprinklers for all new townhouses.

Sprinklers for existing if **addition** increases the total to 3,600 square feet or more
Exception: one time addition of 1,000 square feet.

2. Sprinklers for all new one- and two-family dwellings.

Sprinklers for existing if **addition** increases the total to 3,600 square feet or more
Exception: one time addition of 1,000 square feet.

3. Sprinklers for all new and existing basements.

Exception: Existing basements that area expanded by not more than 50%.

CRC Section R327.7.9 – Exterior Wildfire Exposure Page 7

Consistent with the changes made to the CBC.

CRC Section R327.10 – Wildfire Exposure Accessory Structures Page 7

Consistent with the changes made to the CBC.

CRC Section R403.1.3 – Seismic Reinforcing Exception **Page 7**

Consistent with the changes made to the CBC.

CRC Section R602.10 – Gypsum Board and Plaster as Wall Bracing Material **Page 7**

Consistent with the changes made to the CBC.

CRC Table 602.10.1.2(2) – Gypsum Board and Plaster as Wall Bracing Materials **Page 7**

Removes gypsum Board and Plaster as Wall Bracing Material from the table.

CRC Section R902 – Roof Fire Classification **Page 8**

Same as CBC

Uniform Housing Code **Page 8**

Code language and sections to coincide with adopted codes

Uniform Code for the Abatement of Dangerous Buildings **Page 9**

Code language to coincide with adopted codes

Uniform Code for Building Conservation **Page 9**

Code language to coincide with adopted codes.

California Fire Code – Adoption and Amendments **Page 9**

City of Monte Sereno Administrative Code **Page 26**

Code language in IBC, IRC, UPC, UMC and NEC not adopted by State but needed to administer the codes.

California Green Building Code

New California Code with requirements to reduce construction waste and improved interior environment of buildings.

Planning and design,
Energy efficiency,
Water efficiency and conservation,
Material conservation and resource efficiency,
Environmental quality

Working Document

Proposed Amendments in Italics

The following is relevant portions of the proposed ordinance with the California Construction Codes in regular font and the proposed amendments in *italics*.

9.01.010 Adoption of Codes and Regulations by Reference

For the purpose of prescribing regulations governing conditions hazardous to life and property, the City Council of the City of Monte Sereno hereby adopts that certain code known as the California Building Standards Code, 2010 Edition, the whole thereof, subject to the deletions, amendments, exceptions, and additions which are specified herein, and California Code of Regulations, Title 25, Division 1, Chapter 1, Sub-chapter 1, State Housing Law Regulations, of which one copy has been filed for use and examination by the public in the office of the City Building Official and the same adopted and incorporated as fully as if set out at length herein, and from the date on which the Ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Monte Sereno.

9.01.020 Amendments to the 2010 California Code of Regulations Title 24, Part 2, Known as the California Building Code

Based upon the foregoing findings, the California Building Standards Code, 2010 Edition, is hereby amended in the following manner:

The following provisions of the California Building Code, 2010 Edition, as published by the International Code Council are hereby adopted:

A. Appendices; F – Rodent-proofing; G - Flood-Resistant construction.

B. 9.01.020.1 2010 California Building Code Section 707A Exterior Wildfire Exposure

1. Section 707A.8(9) Underside of appendages. When required by the enforcing agency the underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:

1. *Section 707A.8(9) Underside of appendages.* *The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:*

C. 9.01.020.2 2010 California Building Code Section 710A Wildfire Exposure Accessory Structures

1. **Section 710A.3.2 Where required.** When required by the enforcing agency, detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

1. **Section 710A.3.2 Where Required. Section deleted.**

2. **Section 710A.4 Requirements.** When required by the enforcing agency accessory structures shall be constructed of noncombustible or ignition-resistant materials.

2. **Section 710A.4 Requirements.** *Accessory structures shall be constructed of noncombustible or ignition-resistant materials.*

D. 9.01.020.3 2010 California Building Code Section 1505 Roof Fire Classification

1. **Section 1505.1.3 Roof coverings within all other areas.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class C.

1. **Section 1505.1.3 Roof coverings within all other areas.** *The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.*

2. **Section 1501.4.1 Roof coverings within the Wildland-Urban Interface Fire Area.** *The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.*

E. 9.01.020.4 2010 California Building Code Section Modification to ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:

$$C_s = 0.044 S_{DS} \geq 0.01 \text{ (Eq. 12.8-5)}$$

1. **Modification to ASCE 7, Section 12.8.7.** Modify ASCE 7 Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\theta = \frac{P_x \Delta I}{V_x h_{sx} C_d} \quad (\text{Eq. 12.8-16})$$

F. 9.01.020.5 2010 California Building Code Section 1704.4 Concrete Construction.

1704.4 Concrete construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

Exception: Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock.
2. Continuous concrete footing supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
 - 2.1. The footings support walls of light-frame construction;
 - 2.2. The footings are designed in accordance with Table 1809.7; or
 - 2.3. The structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 MPa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 MPa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.3.
5. Concrete patios, driveways and sidewalks on grade.

1704.4 Concrete construction. *The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.*

Exceptions: *Special inspections shall not be required for:*

1. *Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).*
2. *Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:*
 - 2.1. *The footings support walls of light-frame construction;*

2.2. *The footings are designed in accordance with Table 1809.7; or*
2.3. *The structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.*

3. *Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).*

4. *Concrete foundation walls constructed in accordance with Table 1807.1.6.2.*

5. *Concrete patios, driveways and sidewalks, on grade.*

G. 9.01.020.6 2010 California Building Code Section 1908.1.8 Modification to ACI 318, Section 22.10.1.

1908.1.8 ACI 318, section 22.10 Delete ACI 318, section 22.10, and replace with the following:

22.10.1 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Structural plan concrete basement, foundation or other walls below the base are permitted in detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls. In dwellings assigned to Seismic Design Category D or e, the height of the wall shall not exceed 8 feet, the thickness shall not be less than 7 ½ inches, and the wall shall retain not more than 4 feet of unbalanced fill. Walls shall have reinforcement in accordance with 22.6.6.5.

(b) Isolated footings of plain concrete supporting pedestals or columns are permitted provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

1908.1.8 ACI 318, Section 22.10.1 delete ACI 318, Section 22.10.1 and replace with the following:

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are

permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: *In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.*

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: *In detached one and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.*

H. 9.01.020.7 2010 California Building Code Section 2306.7 Shear Walls Sheathed with other Materials.

Section 2306.7 Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall be designed and constructed in accordance with AF&PA ADPWS. Shear walls sheathed with these materials are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.7. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic Design Category E or F

California Building Code Section 2306.7 is hereby deleted.

I. 9.01.020.8 2010 California Building Code Section 2308.9.3 Conventional Light Frame Construction Provisions—Bracing.

2308.9.3 Bracing. Braced wall lines shall consist of braced wall panels that meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet. Braced wall panels shall start not more than 12 ½ feet from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Nominal 1-inch by t -inch continuous diagonal braces let into top and bottom plates and intervening studs, placed at an angle not more than 60 degrees or less than 45 degrees from the horizontal and attached to the framing in

conformance with Table 2304.9.1.

2. Wood boards of 5/8 inch net minimum thickness applied diagonally on studs spaced not over 24 inches o.c.

3. Wood structural panel sheathing with a thickness not less than 3/8 inch for 16-inch or 24-inch stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).

4. fiberboard sheathing panels not less than 1/2 inch thick applied vertically or horizontally on studs spaced not over 16 inches o.c. where installed with fasteners in accordance with Section 2306.6 and Table 2306.6.

5. Gypsum board sheathing 1/2-inch-thick by 4-feet-wide wallboard or veneer base on studs spaced not over 24 inches o.c. and nailed at 7 inches o.c. with nails as required by Table 2306.7.

6. Particleboard wall sheathing panels where installed in accordance with Table 2308.9.3(4).

7. Portland cement plaster on studs spaced 16 inches o.c. installed in accordance with Section 2510.

8. Hardboard panel siding where installed in accordance with section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing, see Section 2308.9.4.1. for Methods 2, 3, 4, 6, 7 and 8, each panel must be at least 48 inches in length, covering three stud spaces where studs are spaced 16 inches apart and covering two stud spaces where studs are spaced 24 inches apart.

2308.9.3 Bracing. A. Braced wall lines shall consist of braced wall panels which meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1219 mm). Braced wall panels shall start not more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Wood boards of 5/8-inch (16 mm) net minimum thickness applied diagonally on studs spaced not over 24 inches (610 mm) on center.

2. Wood structural panel sheathing with a thickness not less than 3/8-inch (9.5 mm) for 16-inch (406 mm) stud spacing and not less than 3/8-inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).

3. Fiberboard sheathing panels not less than 1/2-inch (12.7 mm) thick applied vertically or horizontally on studs spaced not over 16-inches (406 mm) on center when installed in accordance with Section 2306.6 and Table 2306.6.

4. Particleboard wall sheathing panels where installed in accordance with Table 2308.9.3(4).

5. Hardboard panel siding when installed in accordance with Section 2303.1.6 and Table 2309.9.3(5).

For cripple wall bracing see Section 2308.9.4.1.

For methods, 1, 2, 3, 4, and 5 each braced wall panel must be at least 48-inches (1219 mm) in length, covering three stud spaces where studs are 16-inches (406 mm) apart and covering two stud spaces where studs are spaced 24-inches (610 mm) apart.

B. All vertical joints of panel sheathing shall occur over studs. Horizontal joints shall occur over blocking equal in size to the studding except where waived by the installation requirements for the specific sheathing materials.

C. Braced wall panel sole plates shall be nailed to the floor framing and top plates shall be connected to the framing above in accordance with Section 2308.3.2. Sills shall be bolted to the foundation or slab in accordance with Section 2308.6. Where joists are perpendicular to braced wall lines above, blocking shall be provided under and in line with the braced wall panels.

J. 9.01.020.9 2010 California Building Code Section 2505.1 Gypsum Board and Plaster.

Section 2505.1 Resistance to shear (wood framing). Wood-framed shear walls sheathed with gypsum board, lath and plaster shall be designed and constructed in accordance with Section 2306.7 and are permitted to resist wind and seismic loads. Walls resisting seismic loads shall be subject to the limitations in section 12.2.1 of ASCE 7.

California Building Code Section 2505.1 is hereby deleted.

9.01.030 Amendments to the 2010 California Code of Regulation Title 24, Part 2.5, Known as the California Residential Code

A. 9.01.030.1 2010 California Residential Code Section R313 Fire Sprinklers

1. Section R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required

when additions or alterations are made to existing townhouses that do not have automatic residential fire sprinkler system installed.

1. Section R313.1 Townhouse automatic fire sprinkler systems. *An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.*

Exception: *A one-time addition to an existing building that does not total more than 1000 square feet of building area.*

2. Section R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

2. Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. *An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows:*

a. In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet.

Exception: *A one-time addition to an existing building that does not total more than 1000 square feet of building area.*

b. In all new basements and in existing basements that are expanded.

Exception: *Existing basements that are expanded by not more than 50 percent.*

B. 9.01.030.2 2010 California Residential Code Section R327.7.9 Exterior Wildfire Exposure

R327.7.9 Underside of appendages. When required by the enforcing agency the underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:

R327.7.9 Underside of appendages. *The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:*

C. 9.01.030.3 2010 California Residential Code Section R327.10 Wildfire Exposure Accessory Structures

1. **Section R327.10.3.2 Where required.** When required by the enforcing agency, detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

1. **Section R327.10.3.2 Where required. Deleted**

2. **R327.10.4 Requirements.** When required by the enforcing agency accessory structures shall be constructed of noncombustible or ignition-resistant materials.

2. **R327.10.4 Requirements.** *Accessory structures shall be constructed of noncombustible or ignition-resistant materials.*

D. 9.01.030.4 2010 California Residential Code Section R403.1.3 Seismic Reinforcing Exception

R403.1.3 Seismic reinforcing. In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, plan concrete footings without longitudinal reinforcement supporting walls and isolated plan concrete footings supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.

R403.1.3 Seismic reinforcing. *In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.*

Exception: *In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.*

E. 9.01.030.5 2010 California Residential Code Section R602.10 Gypsum Board and Plaster as Wall Bracing Materials.

R602.10.2.1.1 is added to Chapter 6 of the 2010 California Residential Code to read as follows:

R602.10.2.1.1 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Methods GB and PCP are not permitted for use as intermittent braced wall panels.

F. 9.01.030.6 2010 California Residential Code Table R602.10.1.2(2)^{abc}

Gypsum Board and Plaster as Wall Bracing Materials.

Table R602.10.1.2(2)^{abc}
BRACING REQUIREMENTS BASED ON SEISMIC CATEGORY
(AS A FUNCTION OF BRACED WALL LINE LENGTH)

TABLE R602.10.1.2(2)^{a,b,c,d}
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY
(AS A FUNCTION OF BRACED WALL LINE LENGTH)

Table R602.10.1.2(2) footnote "d" is added to the end of the table to read as follows:

d. In Seismic Design Categories D0, D1, and D2, Methods GB and PCP are not permitted.

G. 9.01.030.7 2010 California Residential Code Section R902 Roof Fire Classification

1. Section R902.1.3 Roof coverings in all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class C.

*1. **Section R902.1.3 Roof covering in all other areas.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant covering that is at least Class B.*

2. Section R902.1.4.1 Roofing coverings within the Wildland-Urban Interface Fire Area. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

9.02 Uniform Housing Code, Code for Abatement of Dangerous Buildings and Code for Building Conservation.

The following amendments to the 1997 Uniform Housing Code, 1997 Uniform Code for Abatement of Dangerous Buildings and the 1997 Uniform Code for Building

Conservation are amended in the following manner:

9.02.010 Amendments to Uniform Housing Code

A. **Section 301** "General" is amended to read: ... delete Section 106 and add **9.05.200 Permits of the City of Monte Sereno Administrative Code**.

B. **Section 302** "Fees" is amended to read: ... delete Section 107 and add **9.05.500 Fees of the City of Monte Sereno Administrative Code**.

C. **Section 303** "Inspections" is amended to read: ... delete Section 108 and add **9.05.190.6 Inspections**; delete Section 1701 and add **9.05.670 Special Inspections of the City of Monte Sereno Administrative Code**.

D. **Section 401** "Definitions

a. **"Building Code"** is amended to read: ... delete Uniform Building Code and add **California Building Code and California Residential Code**.

2. **Section 701.1** "Heating and Ventilation" is amended to read: ...delete Section 3102 and add **1203 and 1204 of the California Building Code and R303 of the California Residential Code**.

3. **Section1001.1** "General" is amended to read: ... delete Section 102 and add **9.05.820 Unsafe Structures and Equipment of the City of Monte Sereno Administrative Code**.

9.02.020 Amendments to Uniform Code for the Abatement of Dangerous Buildings

A. **Section 301** "General" is amended to read: ... delete Uniform Building Code and add **California Building Code and California Residential Code**.

9.02.030 Amendments to Uniform Code for Building Conservation

A. **Section 301** "Definitions" is amended to read: ... delete Uniform Building Code and add **California Building Code and California Residential Code**.

**9.05 City Of Monte Sereno Administrative Code
For The Administration Of Building And Related Code**

General

R10I.1 Title. These provisions shall be known as the Residential Code for One- and Two –family Dwellings of (Name of Jurisdiction), and shall be cited as such and will be referred to herein as "the code."

9.05.010 Title. *These provisions shall be known as the Administrative Code for the City of Monte Sereno in regards to administrating the Building Codes encompassing the California Residential Code, California Building Code, California Green Building Standards Code (CalGreen), California Energy Code, California Plumbing Code, California Mechanical Code, California Electrical Code, Uniform Housing Code and other applicable City codes and will be known herein as "the code." The Administrative Code for the City of Monte Sereno shall be in addition to those sections of the administrative code adopted by the State of California as proscribed by law.*

R101.2 Scope. The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached on- and two-family dwelling and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

Exception: Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by section 419.5 of the International Building Code when constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the International Building Code.

9.05.020 Scope. *provisions of the California Residential Code, California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, Uniform Housing Code and other applicable City codes shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building, structure or any appurtenances connected to or attached to such buildings or structures within the city limits of the City of Monte Sereno.*

101.3 Scope. The provisions of this code (*California Green Building Code*) shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code, throughout the State of California.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any green building program.

9.05.030 Scope of the California Building Standards. *The provisions of the California Green Building Standards Code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code, thought the State of California.*

It is not the intent that this code substitute or be identified as meeting the certification requirements of any green building program.

9.05.040 Purpose. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

9.05.050 Purpose of the California Green Building Standards. The purpose of the *California Green Building Code* is to improve public safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

1. Planning and design
2. Energy efficiency
3. Water efficiency and conservation
4. Material conservation and resource efficiency
5. Environmental quality

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

9.05.060 Referenced Code. *The other codes listed in Sections 9.05.04.1 through 9.05.04.5 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.*

101.4.1 Gas. The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

9.05.070 Gas. *The provisions of the California Plumbing and Mechanical Codes shall apply to the installation of gas piping from the point of delivery, gas appliances and relate accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.*

101.4.2 Mechanical. The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other

energy-related systems.

9.05.080 Mechanical. *The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.*

101.4.3. The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

9.05.090 Plumbing. *The provisions of the California Plumbing code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Santa Clara County Health Department shall apply to private sewage disposal system.*

101.4.4 Property maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

9.05.100 Property Maintenance. *The provisions of the Uniform Housing Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.*

9.05.110 Energy. The provisions of the California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section R102 Applicability

9.05.120 Applicability. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

9.05.130 Application of References. References to chapter or section numbers, or to

provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

9.05.140 Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

9.05.150 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

9.05.160 Partial Invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, The International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

9.05.170 Existing Structures. *The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the California Residential Code, California Building Code, Uniform Housing Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.*

9.05.180 Additions, Alterations or Repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations, or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

Section R103
Department of Building Safety

9.05.190 Creation of Enforcement Agency. The department of building safety is hereby created and the official in charge thereof shall be known as the building official.

9.05.190.1 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

9.05.190.2 Duties. In accordance with the prescribed procedures of this jurisdiction and

with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the California Building Code.

Section R104 Duties and Powers of the Building Official

9.05.190.3 Duties and Powers of the Building Official. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving the requirements specifically provided for this code.

9.05.190.4 Applications and Permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

9.05.190.5 Notices and Orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

9.05.190.6 Inspections. The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

9.05.190.7 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

9.05.190.8 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credential be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provide by law to

secure entry.

9.05.190.9 Department Records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

9.05.190.10 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not be thereby rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

9.05.190.11 Approved Materials and Equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

9.05.190.12 Used Materials and Equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

9.05.190.13 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or structural. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

9.05.190.10 Areas Prone to Flooding. The building official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the

intent of the provisions of this code, and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirement of this code shall also be permitted as an alternate.

9.05.190.15 Alternative Materials, Design and Methods of Construction and Equipment. *The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the California Codes in lieu of specific requirement of this code shall also be permitted as an alternate.*

9.05.190.16 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

R105 Permits

9.05.200 Permits. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

9.05.210 Work Exempt from Permit. *Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinance of this jurisdiction. Refer to the exceptions adopted by matrix for each specific California Code.*

9.05.220 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

9.05.230 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

9.05.240 Public Service Agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

***Exemption:** Work in the City Right-of-Way requires an encroachment permit as administered by the City Engineer.*

103.5.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information required by the building official.

9.05.250 Application for a Permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Building Safety for that purpose.

Such application shall:

1. *Identify and describe the work to be covered by the permit for which*

application is made.

2. *Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily and definitely locate the proposed building or work.*
3. *Indicate the use and occupancy for which the proposed work is intended.*
4. *Be accompanied by construction documents and other information as required per the code and the building official.*
5. *State the value of the proposed work, including labor and materials, at the time of application when requested by the building official.*
6. *Be signed by the applicant, or the applicant's authorized agent.*
7. *Give such other data and information as required by the building official.*

9.05.260 Action on Application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

9.05.270 Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2.(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure to meet the requirements of section R322.

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.05.280 Time Limitation of Application. *An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued. The building official is authorized to grant one extension of time not to exceed 180 days. The extension shall be requested in writing by the property owner to the building official and*

justifiable cause for the extension demonstrated.

9.05.290 Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.05.300 Expiration. *Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, or if the owner or his/her agent fails to request an inspection within 180 days from the previous inspection or the permit issuance date and fails to demonstrate to the building official significant progress toward completion of the project. The building official is authorized to grant one extension of time not to exceed 180 days. The request shall be made in writing by the property owner to the building official and justifiable cause demonstrated.*

9.05.310 Permit Reactivation. *Permits that have expired per (enter number of proceeding section) may be reactivated, if the permit has been expired for less than one year from the date the permit expired, by payment of one half of the original building, mechanical, plumbing, electrical, grading or CalGreen permit fees as applicable. Permits may be reactivated one time only. Permits that have expired for more than one year from the date the permit expired per (enter number of proceeding section) require a new permit application, payment of all fees in effect at the time for a new permit, submittal of new plans and compliance with all codes in effect at the time the new permit application is submitted.*

Exception: *The building official may wave the requirement for new plans in full or in part as applicable.*

9.05.320 Suspension or Revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code where the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

9.05.330 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable to comply with this code.

9.05.340 Preliminary Inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and site for which an application has been filed.

Section R106 Construction Documents

R106.1 Submittal documents. Submittal documents consisting of construction documents and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

9.05.350 Construction Documents. *Submittal documents consisting of construction documents and other data shall be submitted in three or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional when required by the building official. Where special conditions exist, the building official is authorized to required additional construction documents to be prepared by a registered design professional.*

Exception: *The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.*

R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Where required by the building official, all braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirement for

braced wall panels at top and bottom shall be provided.

9.05.360 Information on Construction Documents. *Construction documents shall be drawn on suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official and all other City departments and special districts and other jurisdictions.*

9.05.370 Manufacturer's Installation Instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

9.05.380 Information for Construction in Flood Hazard Areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1) construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation as appropriate;
2. The elevation of the proposed lowest floor, including basement; in area of shall flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If design flood elevations are not included in the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

9.05.390 Means of Egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3 and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

9.05.400 Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which is tested, where applicable, as well as the test procedure used.

9.05.410 Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas flood ways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

9.05.420 Examination of documents. *The building official, other applicable city departments, special districts or other applicable jurisdictions shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicate and described is in accordance with the requirements of this code and other pertinent laws or ordinances.*

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." Once set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

9.05.430 Approval of Construction Documents. *When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, initialed and dated by the building official and other applicable department representatives. One set of construction documents so reviewed shall be retained by the building official, one set shall be returned to the applicant, shall be kept at the site of the work and shall be open to inspection by the building official or a duly authorized representative and one set shall be kept by the Santa Clara County Assessors Office.*

9.05.440 Previous Approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

9.05.450 Phased Approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted,

provide that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

9.05.460 Design Professional in Responsible Charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

9.05.470 Deferred Submittals. For the purpose of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

9.05.480 Amended Construction Documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

9.05.490 Retention of Construction Documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

Section R108 Fees

9.05.500 Fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the applicable governing body.

9.05.510 Schedule of Permit Fees. *On buildings, structures, electrical, gas, mechanical, plumbing systems, grading and drainage, additions and alterations requiring a permit a fee for each permit and fees for related permit issuance and plan review shall be paid as required in accordance with the fee schedule as established by the City Council.*

9.05.520 Building Permit Valuations. Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

9.05.530 Related Fees. Payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R108.5 Refunds. The building official is authorized to establish a refund policy.

9.05.540 Refunds. *A property owner or permit applicant may request in writing to the building official to cancel a permit. The building official is authorized to request the city finance officer refund 80 percent of the permit fees to the property owner or applicant as applicable. The refund shall only be 80 percent of the permit fees and not any plan check or other associated fees. The City shall not grant any refunds for projects where the building official has conducted any inspections in relation to the permit.*

R108.6 Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

9.05.550 Work Commencing Before Permit Issuance. *Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system, grading or drainage before obtaining the necessary permits shall pay twice the permit fee that would have been paid had the person obtained the permit prior to commencing the work.*

9.05.560 Inspections. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

R109.1 Types of inspections. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. The enforcing agency upon notification of the permit holder or their agent shall within a reasonable time make the inspections as set forth in Sections R109.1.1, R109.1.1.1, R109.1.3, R109.1.4, R109.1.4.1, R109.1.5, R109.1.5.1, R109.1.5.2 and R109.1.6.

9.05.570 Types of Inspections. *Upon notification of the permit holder or his or her agent the building official or representative from any other appropriate city department shall perform any required inspections. The owner or his or her agent shall be notified that the work has been approved or has failed to comply with this code. Upon notification by the permit holder or their agent, the requested inspection shall be made within a reasonable time.*

9.05.580 Foundation Inspection. Inspection of the foundation and footings shall be made after poles or piers are set or trenches or basement areas are excavated and any require forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation or footing inspection shall include excavations for thickened slabs intended for support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C94. Under this circumstance concrete is not required to be at the job site.

R109.1.1.1 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduits, piping or other ancillary building trade products or equipment are installed, but before any concrete is placed or floor sheathing is installed, including the sub-floor.

9.05.590 Concrete Slab and Under-Floor Inspections. *Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel or under-floor framing and mechanical ducting, conduit, piping or other ancillary building trade*

products are installed, but before any concrete is placed, insulation or floor sheathing is installed.

R109.1.2 Plumbing, mechanical, gas and electrical system inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.1 prior to inspection shall be permitted.

9.05.600 Plumbing, Mechanical, Gas and Electrical System Inspections. *Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed.*

R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322.

9.05.610 Floodplain Inspections. *For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor including the basement, and prior to further vertical construction, the required elevation certification required by section R322 of the California Residential Code or Section 1612.5 of the California Building Code respectively shall be provided to the building official prepared by and wet stamped and signed by a registered design professional or surveyor.*

R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, fire-stopping, draft-stopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

9.05.620 Frame and Masonry Inspection. *Inspection of framing and masonry construction shall be made after the building is weather tight, roof, masonry, all framing, fire-stopping, draft-stopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, mechanical, heating wires, pipes and ducts are installed.*

R109.1.4.1 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

9.05.630 Lath, Gypsum, Fiber-Cement, Fiber-Mat Reinforced Concrete, Glass Mat Gypsum or Fiber-Reinforced Gypsum Board Inspection. *Inspections shall be made*

after any of these materials have been installed either on the interior or exterior of the building, but prior to any plaster is applied or any joints and fasteners are taped or finished.

9.05.640 Fire-Resistance-Rated Construction Inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wall board is in place, but before any plaster is applied, or before wall-board joints and fasteners are taped and finished. Protection of joints and penetrations in fire resistance rated assemblies shall not be concealed from view until inspected and approved.

9.05.650 Fire- and Smoke-Resistant Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and reviewed.

9.05.660 Other Inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

9.05.670 Special Inspections. For special inspections, see California Building Code, Chapter 17.

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

9.05.680 Final Inspection. Final inspection shall be made after the permitted work is completed and prior to occupancy. A final for the permit(s) shall not be granted until the building official or inspections from other departments or agencies, as applicable, have completed their inspections of the building(s), structure(s), or other required features and find no violations of the provisions of this code or other laws that are enforced by the department of building safety or other departments or agencies, as applicable. The building official shall issue a final for the permit that will constitute a certificate of occupancy.

9.05.690 Inspection Agencies. The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9.05.700 Inspection Requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access and means for inspection of such work.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either

indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

9.05.710 Approval Required. *Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official or other applicable department or agency. The building official or other department or applicable agency, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or their agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official or other department or agency as applicable.*

103.4.6 Reinspections. A reinspection fee shall be permitted to be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees shall be permitted to be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from the plans requiring approval of the Authority Having Jurisdiction.

To obtain reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with Table 1-1.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

9.05.720 – Reinspections. *A reinspection fee shall be permitted to be assessed for each reinspection when such portion of work for which inspection is called is not completed, when required corrections have not been made, when approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested or for deviating from the approved plans.*

To obtain reinspection, the applicant shall pay the reinspection fee in accordance with the fee schedule adopted by the City Council.

In instances where reinspection fees have been assessed, no additional inspection or work will be performed until the required fees have been paid.

This section is not to be interpreted as requiring reinspection fees the first time the job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Section R111 Service Utilities

9.05.730 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

R111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the reinforced codes and standards set forth in Section R102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section R111.1 or R111.2. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

9.05.740 Authority to Disconnect Service Utilities. *The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the reinforced codes and standards set forth in Section R102.4 of the International Residential Building Code or Section 101.4 in the International Building Code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section R111.1 or R111.2 of the International Residential Code and Section 112.1 or 112.2 of the International Building Code. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.*

Section R113 Violations

9.05.750 Violations. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

9.05.760 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in

violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

9.05.770 Prosecution of Violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

9.05.780 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

Section 115 Stop Work Order

9.05.790 Stop Work Order. Whenever the building official finds work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

9.05.800 Issuance of Stop Work Order. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the sited work will be permitted to resume.

9.05.810 Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 116 Unsafe Structures and Equipment

9.05.820 Unsafe Structures and Equipment. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

9.05.830 Record of Unsafe Structures and Equipment. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

9.05.840 Notice of Unsafe Structures and Equipment. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

9.05.850 Method of Service for Notice of Unsafe Structures and Equipment. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

9.05.860 Restoration of Unsafe Structures and Equipment. The Structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, additions or change of occupancy shall comply with the requirements of section 905.08.4 Repairs and Chapter 34

All other Ordinances of the City of Monte Sereno or provisions of the Monte Sereno Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance was introduced at a regular meeting of the City Council held this day of November, 2007, and thereafter, was passed and adopted at a regular meeting of the City Council held this 17th day of September, 2002, by the following roll call vote:

AYES: Councilmembers
NOES: None
ABSENT: None

By: _____, Mayor

ATTEST:

Andrea Chelemengos, City Clerk